IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6752 OF 1998

Prajakta Vijay Varsolkar .
Indian Inhabitant .
Residing at C/o Vijay Janardhan .
Varsolkar, Revdanda, .
Tal.Alibag, Dist.Raigad 402 201 .. Petitioner. .
Vs. .
1. The State of Maharashtra .
through its Secretary .
Tribal Development Department .
Mantralaya, Mumbai .. .
2. The Chairman .
Committee for Scrutiny and .
Verification of Tribe Claims .
M.S., Pune, .
28, Queens Garden, .
Pune - 1 .. .
3. The Sub-Divisional Officer .
Alibag Division, Alibag .
District Raigad .. .
4. The Dean .
G.S.Medical College, Parel .
Mumbai 400 012 .. .
5. Competent Authority and .
Director of Medical Education .
and Research, M.S. having its .
office at St.Georges Hospital .
Compound, C.S.T., .
Mumbai 400 001 .. Respondents.

Mr.R.K.Mendadkar for the petitioner. .
Mr.C.R.Sonawane AGP for respondent nos.1 to 4.

CORAM : B.H.MARLAPALLE & D.B.BHOSALE, JJ.
DATED : MARCH 8, 2006.

ORAL JUDGMENT: (PER B.H.MARLAPALLE, J.)

. The petitioner has brought in question the decision of the Committee for Scrutiny and Verification of the Tribe Claim, Pune Region,

rendered on 10th June, 1998 and by the said decision the claim of the petitioner that she belongs to Koli - Mahadeo, Schedule Tribe has been rejected.

2. There is no dispute that by the first Presidential Order issued under Article 342 Koli - Malhar was shown as scheduled tribe but in the specified areas of the State of Maharashtra and the petitioner's family was not a resident of that specified area. These area restrictions were removed and the Schedule Castes and Schedule Tribes Orders (Amendment) Act, 1976 was publised. The entries in the said order of 1976 at Serial Nos. 28, 29 and 30 are relevant for our consideration and they read as under"

"28. Koli Dhor, Tokre Koli, Kolcha, Kolgha.
29. Koli Mahadev, Dongar Koli.
30. Koli Malhar."

3. The petitioner's claim was subjected to home enquiry conducted by the Vigilance Cell and the school record of almost all family members was obtained. The petitioner's father Shri Vijay Janardan Vasolkar has three brothers, namely, Sharad, Dattatrey and Nandkumar and he has two sisters Surekha and Sindhu. In the school record of Sharad his caste was shown as Hindu Malhar Koli

whereas two younger brothers Dattatrey and Nandkumar's caste in the school record was shown as Hindu Mahadeo Koli. In the school record of the petitioner's father - Vijay Varsolkar his caste was shown as Hindu Malhar Koli. The petitioner's father was a Government employee inasmuch as he was holding the post of medical officer and in his service book his caste has been recorded as Hindu Mahadev Koli. This is contrary to his own caste recorded in the school register when he was purportedly admitted in the school for the first time on 20th June, 1957. The scrutiny committee, therefore, noted that on the face of these conflicting claims made by very same members and in the absence of any other evidence of more probative value i.e. any caste certificate/record maintained by the public authority prior to the first Presidential order, the petitioner's claim of belonging to Koli Mahadev could not be accepted. We do not have any other material to impeach this finding which is based on the caste certificate of ten family members.

4. By the interlocutory order the petitioner was protected so far as her admission to M.B.B.S. course is concerned and mainly on the ground that even if she is held to belong to Koli Malhar, she would still fall in the schedule tribes. The

petitioner has by now completed her M.B.B.S. degree course. We need not disturb the benefit given to her by the interlocutory order passed and in any case the findings recorded by the scrutiny committee impugned before us do not call for any interference.

5. The petition is, therefore, dismissed. Rule is discharged with no order as to costs. We clarify that dismissal of this petition will not come in her way to claim any other caste other then Mahadev Koli.

(D.B.BHOSALE, J.) **(B.H.MARLAPALLE, J.)**